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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,678	12/22/2004	Richard Kellerer	BHB167A US	6550

21133 7590 01/31/2007
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EXAMINER

BRADEN, SHAWN M

ART UNIT	PAPER NUMBER
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3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/500,678	Applicant(s) KELLERER, RICHARD	
	Examiner Shawn M. Braden	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15 and 22 is/are rejected.
- 7) ☒ Claim(s) 12, 16-21, 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because, it has more than 150 words and takes up an entire page. Examiner suggests that applicant resubmit the English versions of paragraph (57). Correction is required. See MPEP § 608.01(b).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10,11,15,16" has been used to designate both respectively grip member & inclined surface & grip ledge, and 11 has been used as locking tongue & flexible tongue, and 15 has been used as flexible tongue & pretensioning spring, and 16 a stop and u-shaped moulding and so on. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the safety catch must

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be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8,11,14,15,22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammond (USPN 4,020,967).

6. With respect to claim 1, Hammond shows a container base and four collapsible lateral walls (14,16) that are hinged to the container base and can preferably be collapsed inwards onto the base, of which walls two opposing first walls (14) are releasably lockable with the two other opposing lateral walls (16) in the corner areas of the collapsible container, each of the two first lateral walls (14) having a snap lock at the edge thereof, said snap locks being engageable behind corresponding locating lugs at the edges of each of the two second lateral walls (16) for purposes of locking the assembled lateral walls (14,16), characterised in that the snap locks are configured as pivoting locks (20) .

7. With respect to claim 2, Hammond shows the pivoting locks (20) are each mounted in or on the two lateral walls (14), and preferably are each releasably connected, particularly in lockable manner, with the lateral wall (14).

8. With respect to claim 3, Hammond shows the pivoting lock (20) is attached to the lateral wall (14) via a pivot pin/bushing connection (48,49).

9. With respect to claim 4, Hammond shows to accommodate the pivoting lock (20), a bushing-type opening (49) is provided in the lateral wall (14), into which opening the pivoting lock (20) configured with a pivot pin (48) can be inserted, the pivot pin being provided with flare-shaped latches (the bends in element 48)) preferably at its anterior

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end (both ends and no slit) so that the diameter of the pivot pin (48) can be reduced elastically to allow insertion of the pivot pin into the bushing (49) and the latches (the bends in element 48)) on the pivot pin (48) grip the lateral wall (14) from behind when the pivot pin is seated (fig. 7), thus locking the pin (48) in position.

10. With respect to claim 5, Hammond shows to accommodate the pivoting lock, a pivot pin is provided in the lateral wall (14), which pivot pin has flare-shaped latches preferably at its anterior end and is provided with a radial slit, the pivoting lock (20) being configured with a push-on bushing via which the pivoting lock can be attached to the pivot pin.

11. With respect to claim 6, Hammond shows the pivoting lock (20) is configured as a circular-sector-shaped component around the centrally mounted pivot pin (48).

12. With respect to claim 7, Hammond shows the pivoting lock (20) is mounted in a complementary recess (fig. 4) in the lateral wall (14) in such manner as to be substantially flush therewith.

13. With respect to claim 8, Hammond shows the locked position (fig. 7), the pivoting lock (20) is pretensioned (by gravity).

14. With respect to claim 11, Hammond shows the pivoting lock has a projecting locking tongue (54), which, in the engaged position, engages behind a locating lug (56) on the adjacent lateral wall (14) adjoining the corner.

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15. With respect to claim 14, Hammond shows the pivoting lock (20) has a sunk actuating grip (50).

16. With respect to claim 15, Hammond shows the pivoting lock (20) has a catch member (56) which engaged an arcuate guide element (perimeter of 56) in the form of an oblong hole, said guide element limiting the rotary movement of the pivoting lock (20) in both directions of rotation.

17. With respect to claim 22, Hammond shows the pivoting locks (20) are each mounted in the upper corner area of the respective first collapsible lateral wall.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 9,10 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond in view of Coogan (USPN 5,056,667).

With respect to claims 9,10 Hammond discloses the invention substantially as claimed. However Hammond does not disclose the pretensioning spring is mounted in such manner relative to the stop that when the lock is in the disengaged position, that is, with an opening movement of the pivoting lock, the pivoting lock is pretensioned in the direction of the locking or engaged position.

Coogan teaches the pretensioning spring is mounted in such manner relative to the stop that when the lock is in the disengaged position, that is, with an opening movement of the pivoting lock, the pivoting lock is pretensioned in the direction of the locking or engaged position (fig. 6), in the same field of endeavor for the purpose of securing the lock.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a pretensioned member to the pivoting lock of Hammond as taught by Coogan in order to further secure the connection between the walls.

20. With respect to claim 13, Hammond in view of Coogan discloses the claimed invention except, the spring is in the shape of a tongue. It would have been an obvious matter of design choice to use a arch spring, since applicant has not disclosed that arch shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with curly spring.

Allowable Subject Matter

21. Claims 12, 16-21 & 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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